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## **Resolution on the “EU Digital Principles for the inclusion of persons with disabilities”**

**adopted by the Board of Directors of the European Disability Forum on 18 November 2021**

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### **Document for adoption**

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Information and communication technologies (ICTs) have become inseparable part of our lives. From connecting with loved ones to paying our bills, buying groceries to booking holiday trips, declaring taxes to online dating, and attending online work meetings to ‘sitting’ in virtual classrooms, our reliance on these technologies continues to grow at an increasing speed. COVID-19 has further forced the acceleration of this digitalisation trend.

When technologies are available, affordable, and accessible to persons with disabilities, these become a gateway for us to participate on equal footing with others in most aspects of life, such as employment, education, access to public services and information, culture, leisure, and health, among many others. Accessible technologies support our independent living and assist us in overcoming societal barriers. Emerging technologies like artificial intelligence (AI) can further support our social participation if developed with a design for all approach and used in a manner that respects our right to non-discrimination, equality, and privacy. It is essential that mainstream digital products and services are easy to use and interoperable with assistive technologies used by persons with disabilities, and that organisations of persons with disabilities are meaningfully involved in the development and implementation of digital policies and legislation.

Considering the great potential of ICT for persons with disabilities, the UN Convention on the Rights of Persons with Disabilities (CRPD) has been the first international human rights instrument that recognises the need to promote equal access to information and communication technologies and systems as a fundamental right for persons with disabilities (article 9). As State Party to the Convention, the EU has implemented the CRPD developing

several laws and policies in support of digital accessibility for persons with disabilities in relation to public administration (Web Accessibility Directive), mainstream products and services (European Accessibility Act), electronic, including emergency, communications (European Electronic Communications Code), and audiovisual media (European Audiovisual Media Services Directive). It has reinforced accessibility by including requirements for awarding public procurement contracts in the EU Public Procurement Directives and the use of EU Funds.

However, this approach has not been sustained in recently proposed EU legislation on digital platforms and services (Digital Services Act and Digital Markets Act) and artificial intelligence (AI Act). It has been further discouraging to observe the lack of ambition for supporting inclusion of persons with disabilities in EU's vision for digital transformation by 2030 (2030 Digital Compass: the European way for the Digital Decade<sup>1</sup>), limiting digital participation of persons with disabilities to democratic life and public services<sup>2</sup> (including access to justice) and leaving out other public and private domains such as provision of private services and goods, and digital skill-building.<sup>3</sup>

In the meantime, it is important to recognize that even if technologies meet legal and technical accessibility requirements, not all persons with disabilities may be able or willing to engage in society digitally. This might be due to lack of digital skills, affordability, and availability of technologies, but also depend on the persons' preference for their participation in all aspects of private and public life. The possibility of non-digital interaction and participation should always be guaranteed, and new technologies should create additional possibilities for participation rather than replace existing means. For example, while remote learning can help

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<sup>1</sup> [Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions 2030 Digital Compass: the European way for the Digital Decade - COM\(2021\) 118 final](#)

<sup>2</sup> Note that accessibility of public administration is already required under [Directive \(EU\) 2016/2102 \(Web Accessibility Directive\)](#), so accessible public services should be current reality and not presented as an aspiration under the Digital Decade Compass.

<sup>3</sup> The four pillars of the 2030 Digital Compass are: digital skill-building; digitalisation of governance and public administration; digital transformation of businesses; and development of secure and sustainable digital infrastructures.

students with disabilities access education, it should not substitute the possibility to attend school and benefit from in person interaction with teachers and peers.

Therefore,

- highlighting that as State Party to the CRPD, the European Union (EU) is obliged to adopt appropriate policies and legislation to ensure the right of persons with disabilities to accessibility, including related to information and communication technologies (ICT);
- underlining that accessibility is a key pre-requisite for the enjoyment of basic rights by more than 100 million persons with disabilities in the EU, including the right to inclusive education, employment, access to justice, independent living and personal autonomy and freedom of movement;
- stressing that persons with disabilities cannot currently exercise their rights fully and freely due to lack of accessibility and that acceleration of digitalisation risks further exclusion of persons with disabilities if accessibility is not mainstreamed in all EU digital policies and actions;
- noting that not all persons with disabilities may yet have the digital skills and equipment to benefit from digitalisation, including those experiencing poverty or living in rural and remote areas, including older persons with disabilities and Roma people with disabilities;
- further highlighting that even if accessibility, affordability and availability of digital technologies are ensured, individuals should have the choice of non-digital way of participating in all aspects of public and private life;
- noting that demographic changes leading to many more older persons in the EU means many more people will benefit from accessibility;
- noting that the EU has committed to ensuring a digital transition that works for everyone by putting people first;

- noting that the EU Strategy for the rights of persons with disabilities 2021-2030 aims to ensure that all persons with disabilities in Europe enjoy equal opportunities, and have equal access to participate in society and economy;
- appreciating the contributions of the Web Accessibility Directive, European Accessibility Act, European Electronic Communications Code, European Audiovisual Media Services Directive, EU Public Procurement Directive, Victims' Rights Directive and EU Funds instruments, towards equality, inclusion, social participation and independent living of persons with disabilities in the EU;
- nevertheless, noting that accessibility and rights of persons with disabilities to non-discrimination, equality and privacy have not been sufficiently addressed in recently launched EU-policies on digital services and products, digitalisation of justice, e-health, and artificial intelligence;
- regretting that, despite the above-mentioned policies and technical accessibility standards adopted in the EU, ICTs procured by public administrations, including the EU institutions, are often not compliant with an adequate level of accessibility for persons with disabilities;
- noting that EU's 2030 Digital Compass Communication lacks real ambition of ensuring that persons with disabilities can digitally participate in all private and public areas of life on equal footing with others;

**The EDF Board calls on the EU legislators, namely the European Commission, the European Parliament, and the Council of the European Union to:**

1. Ensure mainstreamed accessibility requirements and protection of rights of persons with disabilities to non-discrimination, equality, privacy and data protection in all EU digital policies and initiatives.
2. Ensure that digitalisation does not come at the cost of non-digital solutions, and guarantee human support and the choice of non-digital means of participation in all aspects of public and private life for persons with disabilities who prefer the latter.

Non-digital means of access and support must not come at additional cost for persons with disabilities.

3. Address the gaps in relation to accessibility and fundamental rights of persons with disabilities in the European Commission's proposals for the Digital Services, Digital Markets, and Artificial Intelligence Acts during the ongoing legislative process.
4. Raise their ambition and ensure that persons with disabilities can equally benefit from all aspects of the digital transition, including enjoying equal rights as consumers and being able to benefit from digital skill-building in EU's vision for digitalisation by 2030.
5. Ensure that the rights of persons with disabilities and implementation of the CRPD are fostered through digitalisation, including in the areas of access to justice, protection of victims' rights, e-health, and measures to combat violence against women and gender-based violence.
6. Ensure that EU adequately invests in building digital skills and access to available and affordable digital tools by all persons with disabilities in order for digitalisation to benefit everyone equally.
7. Ensure the meaningful participation of persons with disabilities in all their diversity through their representative organisations, and accessibility experts, in the development and implementation of relevant EU digital policies.
8. Ensure the effective implementation of relevant EU digital policies, by putting in place robust and accessible monitoring, complaints, and enforcement mechanisms and by ensuring that national authorities responsible for the implementation of relevant EU laws are independent, well financed and with an adequate number of staff, who have expertise on accessibility and fundamental rights of persons with disabilities.
9. Ensure that strict accessibility criteria apply to all EU funding used to develop new technologies, digital solutions, and infrastructure.
10. Ensure that the EU and national institutions respect the state-of-the-art accessibility requirements for ICTs (websites, devices, software, applications, videos, digital and social media publications, etc.) used by citizens and public servants.

**The EDF Board calls on the European Union to live up to its obligations under the UN Convention on the Rights of Persons with Disabilities and ensures that all persons with disabilities can benefit from accessible, affordable, and available digital technologies**



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**that support their socio-economic participation and independent living, and respect their right to non-discrimination, equality, privacy, and data protection.**